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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,940	04/16/2004	Frank Wang	087912-000000US	1622

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
SAUNDERS, PAUL	
ART UNIT	**PAPER NUMBER**
4136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/826,940	WANG, FRANK	
	Examiner	Art Unit	
	Paul Saunders	4136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-20** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,023,241 A to Clapper, in view of U.S. Patent No. 6,833,865 B1 to Fuller et al. ("Fuller").

As to **claim 1**, Clapper discloses a method of generating a composite output, comprising the steps of: a) capturing a live image (col. 2 lines 26-39); b) generating an electronic map 110 (see GPS Data, col. 4 lines 66-67, col. 5 lines 1-7, 63-67 – the electronic map being the GPS Data represented as an electronic mapping of bits); and c) generating a composite output including at least one of a live image portion corresponding to the live image captured in step a), and an electronic map portion corresponding to the electronic map generated in step b) (fig. 6 92, 7, 8, col. 4 lines 53-67, col. 5 lines 1-7 – a portion may constitute the whole).

Clapper does not expressly disclose composite output comprising portions.

Fuller discloses a composite output comprising video and metadata wherein the metadata comprises an electronic mapping of the video including time, location and other descriptive mapping information (col. 2 lines 58-67, col. 3 lines 1-10, 49-53, col. 4 lines 18-23); wherein portions of the video and metadata are selected, generally all available as soon as possible (col. 3 lines 9-11, col. 4. lines 36-46).

Clapper and Fuller are analogous art because they are from the same field of endeavor namely location aware digital capturing systems.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the previous composite output as necessary to select portions of the input as taught above by Fuller. The motivation would have been to aid in the ease of content retrieval such as searching, browsing, and editing (Fuller col. 1 lines 35-46, col. 2 lines 8-11).

Therefore it would have been obvious to combine Clapper and Fuller to obtain the above modifications.

As to **claim 2**, Clapper discloses the method as claimed in claim 1, wherein the live image is captured using a digital camera in step a) (fig. 2, col. 2 lines 6-9, 26-39).

As to **claim 3**, Clapper discloses the method as claimed in claim 1, wherein the electronic map 110 generated in step b) indicates a location where the live image is being captured in step a) (see GPS Data, col. 4 lines 64-67, col.

5 lines 1-7, 63-67 – the live image capture location is indicated by the GPS coordinates).

As to **claim 4**, Clapper discloses the method as claimed in claim 3, wherein the electronic map is generated using a global position system (GPS) terminal 14 in step b) (fig. 2, 6 86, col. 2 lines 3-7, 40-51, col. 4 lines 53-57).

As to **claim 5**, Clapper discloses the method as claimed in claim 1, wherein the composite output includes both the live image portion and the electronic map portion which is superposed on the live image portion (fig. 6 92, 7, col. 4 lines 53-67, col. 5 lines 1-7).

As to **claim 6**, Clapper discloses the method as claimed in claim 1, further comprising the step of: d) broadcasting the composite output (fig. 2, col. 7 lines 8-15 – once a multimedia presentation, being the composite output, is made and uploaded to the excursion server it is now available or broadcasted to all who connect to the excursion server).

As to **claim 7**, Clapper discloses the method as claimed in claim 6, wherein steps a) b) and c) are performed in a first location (fig. 1, 2 – steps performed in the same location 10).

As to **claim 8**, Clapper discloses the method as claimed in claim 7, wherein step d) is performed in a second location 42 different from the first location 10 (fig. 2), said method further comprising, between steps c) and d): e) transmitting the composite output to the second location 42 (fig. 2, col. 7 lines 8-15).

As to **claim 9**, Clapper discloses the method as claimed in claim 8, wherein, in step e), the composite output is transmitted to the second location 42 through a network 40 (fig. 2, col. 7 lines 8-15).

As to **claim 10**, Clapper discloses the method as claimed in claim 9, wherein the network 40 is a telephone network 38 (fig. 2).

As to **claim 11**, Clapper discloses the method as claimed in claim 9, wherein the network 40 is a computer network (fig. 2).

As to **claim 12**, Fuller further discloses the method as claimed in claim 8, wherein, in step e), the composite output is transmitted to the second location in a compressed file format (fig. 4, col. 5 lines 65-67, col. 6 lines 1-11).

The same motivation is used here as is used in the parent claim.

As to **claim 13**, Clapper and Fuller further disclose the method as claimed in claim 8, wherein step d) includes: editing the composite output to generate an edited output (Fuller col. 1 lines 47-49, col. 2 lines 8-13 – DMMSs are used in digital production environments wherein final edited forms are often digital TV programs or movies wherein the viewer pays); and broadcasting the edited output to a subscriber (Clapper fig. 2, col. 7 lines 8-15 – the excursion server 42 is connected to the internet and the user who connects with device 10 is a subscriber who at the least paid for device 10 to connect; Fuller – DMMSs are used in digital production environments wherein final edited forms are often paid for).

The same motivation is used here as is used in the parent claim.

As to **claim 14**, Clapper discloses the method as claimed in claim 1, further comprising the step of: d) picking-up a live audio associated with the live image; the composite output further including a live audio portion corresponding to the live audio picked up in step d) (fig. 1, 2, col. 2 lines 40-51).

As to **claim 15**, Clapper discloses the method as claimed in claim 14, further comprising the step of: e) broadcasting the composite output (fig. 2, col. 7 lines 8-15 – once a multimedia presentation, being the composite output, is made and uploaded to the excursion server it is now available or broadcasted to all who connect to the excursion server).

As to **claim 16**, Clapper discloses the method as claimed in claim 15, wherein steps a), b), c) and d) are performed in a first location 10 (fig. 1, 2).

As to **claim 17**, Clapper discloses the method as claimed in claim 16, wherein step e) is performed in a second location 42 different from the first location 10, said method further comprising, between steps c) and e): f) transmitting the composite output to the second location 42 (fig. 2, col. 7 lines 8-15).

As to **claim 18**, Clapper discloses the method as claimed in claim 17, wherein, in step f), the composite output is transmitted to the second location 42 through a network 40 (fig. 2, col. 7 lines 8-15).

As to **claim 19**, Fuller further discloses the method as claimed in claim 17, wherein, in step f), the composite output is transmitted to the second location in a compressed file format (fig. 4, col. 5 lines 65-67, col. 6 lines 1-11).

The same motivation is used here as is used in the parent claim.

As to **claim 20**, Clapper and Fuller further disclose The method as claimed in claim 17, wherein step e) includes: editing the composite output to generate an edited output (Fuller col. 1 lines 47-49, col. 2 lines 8-13); and broadcasting the edited output to a subscriber (Clapper fig. 2, col. 7 lines 8-15 – the excursion server 42 is connected to the internet and the user who connects with device 10 is a subscriber who at the least paid for device 10 to connect; Fuller – DMMSs are used in digital production environments wherein final edited forms are often paid for).

The same motivation is used here as is used in the parent claim.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,567,980 B1 to Jain et al. pertains to broadcasting composite output.

U.S. Patent No. 6,321,158 B1 to DeLorme et al. pertains to creating location aware composite output.

U.S. Patent No. 6,452,544 B1 to Hakala et al. pertains to map and live image superimposition.

U.S. Patent Application No. 2005/0037872 A1 to Fredlund et al. pertains to composite output superimposition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Saunders whose telephone number is 571.270.3319. The examiner can normally be reached on Mon-Thur 8:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571.272.3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PS/

DERRICK W. FERRIS
SUPERVISORY PATENT EXAMINER